

HISTORIC DISTRICTS

Chapter 30

HISTORIC DISTRICTS

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[HISTORY: Adopted by the City Council of the City of Dover 12-14-77*. Section 30-4A amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

General References

Zoning - See Ch. 170.

30-1. Title.

This chapter shall be known as the "Dover Historic Ordinance."

30-2. Purpose.

It is the purpose of this chapter to establish a procedure which can be utilized to preserve for generations to come those unique existing examples or collections of historically, architecturally and culturally significant

***Editor's Note: Provisions of this chapter are derived from Ch. 24 of the former Code, adopted 12-14-77.**

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buildings, sites and structures which characterize the City of Dover, to encourage their maintenance and restoration and to ensure that new buildings and structures and alterations to existing buildings and structures and uses of buildings and structures within an historic district are in visual harmony with their neighbors in order that a district may be preserved which will reflect the cultural, social, economic, political and architectural history of the City of Dover, will conserve and maintain property values in such district, foster civic beauty, strengthen the local economy and generally provide an opportunity to benefit the education, pleasure and welfare of all the citizens of the municipality.

30-3. Characteristics and qualifications.

The historic district(s) established hereunder and from time to time amended in the manner prescribed by New Hampshire law shall have one (1) or more of any combination of the following characteristics and qualifications, without limitation as to cultural or chronological period:

- A. A structure(s) or site(s) at which events occur or have occurred that contribute to and are identified with or significantly represent the broad cultural, political, economic, military or social history of Dover and the state and/or nation.
- B. A structure(s) or site(s) importantly associated with historic personages.
- C. A structure(s) or site(s) importantly associated with historic examples of a great idea or ideal.
- D. A structure(s) or structural remains and site(s) embodying examples of architectural types of specimens valuable for study of a period, style or method of building construction, of community organization and living or of landscaping; or a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect.

30-4. Creation; public notice and hearings; recommendations by Commission.

- A. The City Council hereby establishes within Dover those historic districts and their respective boundaries as are currently listed and kept on file in the office of the City Clerk. Said districts shall be shown on the Official Zoning Map and Comprehensive Plan of Dover, also on file in the office of the City Clerk.*

*Editor's Note: Amended at time of adoption of Code; see Ch.1, General Provisions, Art. I.

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- B. Prior to establishing an historic district, the City Council shall hold a public hearing thereon. Notice of said hearing shall be advertised in a paper of general circulation and shall be posted in three (3) public places at least fifteen (15) days prior to said hearing. Property owners located within the boundaries of any proposed historic district shall receive notice of said hearing by certified mail at least fifteen (15) days prior to said hearing.
- C. It shall be the duty of the Historic District Commission to make recommendations to the City Council concerning appropriate locations for possible inclusion as historic districts, as well as recommendations concerning possible expansion or revision to previously approved historic district boundaries.

30-5. Historic District Commission.

- A. There shall be appointed by the Mayor, subject to approval by the City Council, an unpaid Historic District Commission of not less than five (5) nor more than seven (7) members, all of whom shall be residents of Dover. One (1) of the members of the Commission shall be selected from among the City Council.
- B. Each Commission member shall serve for a term of three (3) years. Initially, staggered terms of one (1), two (2) and three (3) years each shall be assigned the members first appointed, so arranged that not more than two (2) terms will expire each year. The Mayor, subject to approval by the City Council, shall thereafter annually appoint or reappoint members to the Historic District Commission and shall initiate appropriations, as needed, each year for the activities of such Commission.
- C. Said Commission shall elect annually a Chairman, Vice Chairman and Secretary from its own membership.
- D. Said Commission for its purposes shall adopt, and may from time to time amend, rules and regulations not inconsistent with the intent of this chapter and of the state enabling legislation.
- E. The Dover Historic District Commission may, subject to appropriation or other income, employ clerical and technical assistants or consultants and may accept gifts of money, services or grants and may hold or expend the same for all or any of the purposes of this chapter.
- F. The Historic District Commission shall meet at the call of the Chairman and at such other times as the Commission may determine. Meetings of said Commission shall be open to the public, and minutes of Commission meetings shall be open to the public, and minutes of Commission meetings shall be kept and made available for public inspection.

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30-6. Approval procedure.

Any person wishing to construct, alter, repair, move, demolish or otherwise change the exterior appearance of a structure within the district or construct a new structure within the district or institute a new use of land or buildings within the district must obtain a certificate of approval from the Historic District Commission before any other building permits otherwise required by the city are obtained.

- A. Application forms shall be available from the Building Inspector.
- B. Upon receipt of an application, the Historic District Commission shall, within fifteen (15) days determine that the application is of no interest and notify the applicant, in writing, that he may proceed or determine that the application is of interest and schedule a public hearing.
- C. Notice of public hearings shall be advertised at least fifteen (15) days in advance in a newspaper of general circulation in the municipality, shall be posted in at least three (3) public places and shall be sent by registered mail to abutting property owners and those owning property directly across the street.
- D. Public hearings shall be open to the general public and testimony may be received from any party.
- E. Certificates of approval or notices of denial shall be issued within forty-five (45) days of the filing of an application in accord with RSA 31-89 a-f.
- F. Applicants for a certificate of approval shall show:
 - (1) Ownership and description of land involved (areas and addresses).
 - (2) Ownership and description of buildings involved.
 - (3) Names and addresses of abutting property owners and those directly across the street.
 - (4) A description of the work proposed to be done, which should include, as appropriate, a sketch of the site and the buildings located on the site drawn to scale and photographs, sketches, architect's renderings or plans and/or other visual aids. The description shall contain detailed dimensions when any structural features are to be altered or a new building constructed, or when otherwise requested by the Commission.
- G. Decisions of the Historic District Commission shall be made in accord with the guidelines for decisions listed below.

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H. Decisions of the Historic District Commission shall be appealable to the Board of Adjustment as provided for in RSA 31:89-h.

I. Enforcement shall be as provided for in RSA 31-89-j and k.

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30-7. Criteria for granting certificate of approval.

The following principles shall be followed in the granting of a certificate of approval within an historic district:

A. If the proposed construction will not have any visible impact on the exterior of the building or structure, it shall be deemed of no interest.

B. Painting and other routine repair to existing structures not involving any other exterior changes shall be deemed of no interest. Parties interested in promoting the spirit and intent of the district are encouraged to come before the Commission for informal guidance in the selection of historically appropriate colors or details.

C. When determining the appropriateness of all other alterations, restorations or remodeling of existing structures, in some instances several criteria will be appropriate; in which case, the applicant shall state the criteria he is using, and the Commission shall decide accordingly.

(1) Structures of importance because of a moment in history, be it the date of occupancy by a celebrated personage or the happening of an event, should be altered, only, so as to be more in conformity with the appearance at that moment in time.

(2) Structures of importance because of their date of construction should be altered to restore features of their original appearance, unless the structure has been altered at some later time and that alteration is in keeping with the character of the district or is notable in its own right; in which case as an alternative, such altered appearance shall be maintained.

(3) Structures which are important in the history of architecture as unique or exceptionally fine examples of their style should be altered only so as to retain their original appearance.

(4) Structures merely typical of their age and style should be altered in a fashion of that age or style, if in keeping with the character of the district.

D. New structures and buildings and those being moved into the district from outside the district must conform in general size and scale but need not conform in precise architectural style to the existing structures within the district. Such a structure must be within ten percent (10%) of the average of its nearest neighbors in the following specifications:

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- (1) Overall height and width.
- (2) Street frontage.
- (3) Setback from the street.
- (4) Number of stories.

E. In addition, it shall conform to the general style of the district by being similar to neighboring structures in three (3) of five (5) of the following criteria:

- (1) Openings within the facade as a percentage of the facade, i.e., doors and windows.
- (2) Similarity of construction materials and surface texture, i.e., rough, smooth, wood, brick, etc.
- (3) Similarity of roofs, i.e., slopes and shapes.
- (4) Similarity of architectural details, i.e., cornices, lintels, arches, porches, balustrades, wrought iron work, chimneys, etc.
- (5) Similarity of landscaping and ground covering, i.e., grass, brick, granite, etc.

F. Before a building or other structure is demolished or moved out of the district, the applicant shall in good faith prepare a detailed plan for the reuse of the site which the Commission determines will meet the requirements for a certificate of approval. Such certificate of approval for demolition and reuse shall only be granted upon a showing by the hardship unique to the property in question, and that such hardship is not common to neighboring properties within the district.